

MAINE JUDICIAL BRANCH

\_\_\_\_\_  
Plaintiff  
V.  
\_\_\_\_\_  
Defendant

DISTRICT COURT  
Location (Town): \_\_\_\_\_  
Docket No.: \_\_\_\_\_

REAL ESTATE ORDER  
19-A M.R.S. § 953(7)

The real estate located at (street address, if any) \_\_\_\_\_  
\_\_\_\_\_ and described in a deed recorded in the \_\_\_\_\_  
\_\_\_\_\_ County Registry of Deeds at Book \_\_\_\_\_, Page \_\_\_\_\_ is disposed of as follows:

☐ **Exclusive Possession and Sale of Real Estate.** Except as otherwise specifically provided:

- A. The parties shall hereafter hold the real estate as tenants in common and neither party shall further encumber that party's respective interest in the real estate without the express written consent of the other party, which consent may be withheld for any reason or for no reason.
- B. Until the real estate is sold ☐ plaintiff ☐ defendant shall have the right to exclusive possession of the real estate and shall be solely responsible for payment of the following items relating to the real estate:  
☐ monthly installment payments for the mortgage(s) ☐ real estate taxes ☐ insurance  
☐ utility charges ☐ other: \_\_\_\_\_
- C. The real estate shall be sold when the following occurs: \_\_\_\_\_
- D. When the real estate is sold, as provided in subparagraph (C) above, it shall be listed for sale with a licensed real estate broker, as follows:  
☐ at the following price: \$ \_\_\_\_\_  
☐ at a price agreed upon by the parties. If the parties are unable to so agree, the listing price shall be the fair market value of the real estate as then determined by a licensed real estate professional (i.e. appraiser or realtor) selected by the parties. If the parties are unable to agree upon a licensed real estate professional, then each shall select and pay for a licensed real estate professional, those licensed real estate professionals shall in turn select a third licensed real estate professional, and the fair market value shall be determined by their majority opinion. The parties shall equally share the fees and costs of the third licensed real estate professional. The real estate shall be sold for the amount of the highest bona fide offer, which equals or exceeds \_\_\_\_\_ % of the fair market value.
- E. The gross real estate sale proceeds shall be applied in the following order of priority, if applicable:
1. To the outstanding balance(s) of the mortgage(s).
  2. To the outstanding real estate taxes, adjusted to the date of closing.
  3. To Real Estate Commission(s) and customary closing costs.
  4. Other: \_\_\_\_\_
  5. The remaining sale proceeds shall be divided, as follows: \_\_\_\_\_ % to the plaintiff and \_\_\_\_\_ % to the defendant.

☐ **Real Estate Awarded to Party.** The real estate is awarded to ☐ plaintiff ☐ defendant, who shall be solely responsible for payment of any and all debts, encumbrances, costs, or expenses, now existing or hereafter incurred, relating to the real estate, and who shall indemnify and hold the other party harmless therefrom.

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**Recording the Abstract of Divorce Decree.** The ☐ plaintiff ☐ defendant shall be responsible for recording the Abstract of Divorce Decree with the appropriate Registry of Deeds and for paying the recording fee. To request an abstract from the court, please file FM-243, *Request for Abstract of Divorce Decree*.

☐ Other:

Date (mm/dd/yyyy):

☐ Magistrate ☐ Judge, Maine District Court

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